

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

Helene B. Guerrera, N.H.A.

Petition No. 870306-36-011

CONSENT ORDER

WHEREAS, Helene B. Guerrera of Plymouth, Connecticut has been issued license number 909 to practice as a nursing home administrator by the Department of Health Services pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and

WHEREAS, Helene B. Guerrera hereby admits and acknowledges that at all times herein complained she was the administrator at Harbor Crossing (formerly known as Ferry Point) a chronic and convalescent nursing home located in Old Saybrook, Connecticut; and

WHEREAS, it is recognized that although she was the licensed nursing home administrator, she was not granted the authority by the owner of Harbor Crossing to adequately perform her responsibilities; and

WHEREAS, the Department of Health Services alleges that at various times from June 2, 1986 through March 1, 1987

- a. she failed to insure the employment of sufficient numbers of qualified personnel to meet and assess patient needs;
- b. she failed to maintain the facility in a condition that was safe, sanitary and free from vermin infestation;
- c. she failed to maintain a sufficient supply of linen, towels, wash cloths, and/or incontinent care supplies to meet the patients' needs.

- d. By her conduct as described in paragraph a. - c. above, Helene B. Guerrera has violated §19a-517 of the General Statutes of Connecticut.

WHEREAS, Helene B. Guerrera, in consideration for this Consent Order, has chosen not to contest the above allegations of wrongdoing. Helene B. Guerrera, while admitting no guilt or wrongdoing, agrees that for purposes of proceedings before the Department of Health Services, in which her nursing home administrator license is at issue, the above allegations and this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to § 19a-9, §19a-10, and §19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §19a-517 of the Connecticut General Statutes, Helene B. Guerrera, hereby stipulates and agrees to the following:

1. That she waives the right to a hearing on the merits of this matter.
2. That her Connecticut nursing home administrator's license number 909 is hereby suspended for a period of two years.
3. That the two year suspension is stayed after three months and she is placed on probation for the remaining 21 months subject to the following terms and conditions:
 - a. during the term of probation she shall enroll and successfully complete 15 hours of continuing education in nursing home administration. Said continuing education courses shall include, but not be limited to, (1) management of long term health care facilities, (2)

ethics, and (3) a review of State laws and regulations governing the administration of skilled nursing and intermediate health care facilities. All such courses are subject to prior approval by the Department of Health Services. Respondent shall submit to the Department of Health Services proof of attendance and successful completion of the approved courses she takes. Proof shall include dates and location of said courses;

- b. She shall enroll and participate in the UConn School of Business Course entitled "Management of Long Term Care Organizations" regardless of whether she has previously participated in this or a similar course. She must provide a certified copy of a passing grade to the Department of Health Services.
- c. during the term of probation, while employed as a nursing home administrator, or an assistant nursing home administrator she shall provide the Department of Health Services with the name and address of her employer(s). She shall inform the Department of Health Services of any change of her employment. During the period of probation she shall provide her employers with a copy of this Consent Order. If the respondent fails to provide a copy of this Consent Order to her employers, the Department of Health Services shall be empowered to do so;

- d. if during the period of probation she should practice as a nursing home administrator or an assistant nursing home administrator in another state or apply for such a professional license in another state, she shall provide the licensing agency in that state with a copy of this Consent Order. If the respondent fails to provide a copy of the Consent Order to said licensing agency, the Department of Health Services shall be empowered to do;
- e. during the period of probation the respondent, while functioning as a nursing home administrator or an assistant nursing home administrator, shall submit to a review of her work performance by a licensed nursing home administrator approved by the respondent and the Department of Health Services. Said nursing home administrator shall submit quarterly reports of said evaluation to:

Celia Bumstead Carroll
Department of Health Services
Division of Medical Quality Assurance
150 Washington Street
Hartford, Connecticut 06106

- f. she shall pay for any and all costs associated with the terms of this Consent Order;
- g. she shall assume full responsibility to timely file with the Department of Health Services any and all reports, documents or records in accordance with the terms of this Consent Order.

4. That any deviation from the terms of probation specified in paragraphs 3.a. through 3.g. above, without prior written approval by the Department of Health Services shall constitute a violation of probation and will result in the following procedure:

- a. the respondent will be notified in writing that the term(s) of probation has been violated, provided no prior written consent for deviation from the term(s) had been granted by the Department of Health Services;
- b. said notification will include the act(s) or omission(s) which violate the probation;
- c. within ten days from the date of receipt of said notice the respondent shall demonstrate to the satisfaction of the Department of Health Services that she was in compliance with the terms of probation or that she has cured the alleged violation. Failure to demonstrate compliance or to cure the alleged violation within said time limit shall result in the immediate suspension of her nursing home administrator's license for a period of two years, unless the respondent, within said ten day period, makes a written request of the Department of Health Services for a hearing on said matter. Such hearing shall be held within 30 days of receipt by the Department of Health Services of such a hearing request. Evidence presented at the hearing by either the Department of Health Services or the respondent will be heard by a neutral Hearing Officer and said evidence shall be limited to the alleged violation(s) of the term(s) of probation.

5. All information required to be submitted to the Department of Health Services pursuant to this Consent Order shall be sent to:

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6. That she is hereby assessed a civil penalty of \$100.00 for failure to comply with the provisions of §19a-517 of the Connecticut General Statutes. Said penalty is to be paid by certified check. Said check shall be made payable to Treasurer, State of Connecticut and shall accompany this Consent Order upon execution by Helene B. Guerrero.
7. That she understands that this Consent Order is a matter of public record.
8. That nothing in this Consent Order shall be construed as limiting the powers of the Department of Health Services pursuant to §4-182(c) of the Connecticut General Statutes.
9. That she understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Department of Health Services (1) in which her compliance with this same order is at issue, or (2) in which her compliance with §19a-517 of the General Statutes of Connecticut, as amended, is at issue.
10. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to

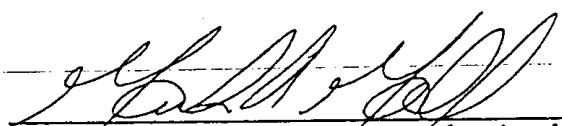
appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive her of any rights that she may have under the laws of the State of Connecticut or of the United States.

11. That she has consulted with an attorney prior to signing this document.

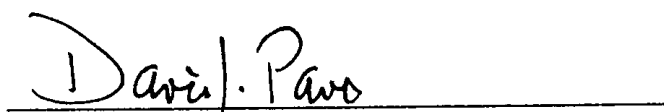
I, Helene B. Guerrera, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Helene B. Guerrera

Subscribed and sworn to before me this 6th day of October 1988.


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 18th day of OCTOBER 1988, it is hereby accepted.


David J. Pavis, Chief
Public Health Hearing Office

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